

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

KAMELAH MUHAMMAD,)	
	Plaintiff,)
vs.)	Case No. 21-00614-CV-W-FJG
CHARTER COMMUNICATIONS, LLC,)	
	Defendant.)

ORDER

Before the Court is Defendant's Statement of Fees, Costs, and Expenses (Doc. No. 23), as well as Plaintiff's objections thereto (Doc. No. 24).

In its Order dated January 6, 2022, the Court granted Defendant's motion to compel arbitration, and provisionally granted Defendant's requests for an award of costs, fees, and expenses in bringing the motion for arbitration, subject to the Court's review of Defendant's submission of its statement of costs, fees, and expenses. Defendant filed its submission on January 19, 2022, requesting a total of \$18,330.62 in fees, costs, and expenses in compelling arbitration. See Doc. No. 23. Plaintiff filed objections on February 2, 2022, noting that (1) although Defendant did not accept service of process of this action until August 23, 2021, Defendant billed costs, fees, and expenses totaling approximately \$8,607.53 between May 24, 2021 and August 24, 2021, and all those time entries relate to documents related to removal to federal court, even though the motion to compel arbitration could have been filed and heard in state court; (2) Plaintiff agrees that Defendant's expense of approximately 6.4 hours of attorney time working on the 8-page motion to compel arbitration between August 30, 2021 and September 13, 2021 is reasonable, further noting that the arguments Defendant raised in the motion to compel arbitration were duplicative of arguments raised in a similar case in the Eastern District of

Missouri (Osborne v. Charter Communications, Inc., Case No. 4:18CV1801 HEA, 2019 WL 216575 (E.D. Mo. May 17, 2019)); (3) 4.6 hours of the attorney time spent on the reply suggestions was billed before the Plaintiff's response had even been filed, and therefore such amounts are unreasonable given that Defendant's counsel could not have anticipated what the reply would be; (4) 2.1 hours of the attorney time spent on the reply suggestions was charged on November 9, 2021 even though the reply suggestions had been filed on October 25, 2021; (5) the time entries by Hannah R. Lustman-Rodriguez should be discounted because she did not enter her appearance until November 18, 2021; and (6) communications between defense counsel and plaintiff's counsel on September 22-23 as well as October 6, 2021 appear to be either double-billing and/or Plaintiff has no record of communicating with defense counsel on those dates. As stated previously, Plaintiff does not oppose the 6.4 hours in attorneys' fees from 8/30/21 through 9/13/21. Plaintiff also does not oppose time entries dated 10/12/21 – 10/13/21. Plaintiff requests that the Court limit the fees, costs, and expenses awarded to Defendant in this matter to \$3,928.36, representing approximately 13.4 hours of attorney time Plaintiff believes was reasonably spent in preparing the motion and reply suggestions between the dates of 8/30/21 – 9/13/21 and 10/12/21 – 10/25/21.

The Court will grant Defendant's request for attorneys' fees and costs in part. The Court generally finds Plaintiff's objections to be well-taken, although the Court believes that the time entries made by Hannah R. Lustman-Rodriguez should not be discounted to the extent requested by Plaintiff. Moreover, it is not surprising that Defendant's counsel spent longer on the reply suggestions than on the motion to compel arbitration, given that the motion was largely based on prior briefing whereas the reply suggestions dealt with

issues unique to this case and raised by Plaintiff in the response. Defendant will be awarded attorneys' fees amounting to: (1) 6.4 hours of attorney time between the dates of 8/30/21 – 9/13/21, amounting to \$1,555.07; and (2) 15.4 hours of attorney time between the dates of 10/12/21 – 10/25/21, amounting to \$4,015.81. Defendant's total attorneys' fees awarded in this matter, therefore, will be **\$5,570.88**.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
United States District Judge

Dated: April 13, 2022
Kansas City, Missouri